

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRUSTEES OF THE DETROIT
CARPENTERS FRINGE BENEFIT FUNDS,

Plaintiffs,

Case No. 09-10636

v.

DETROIT DOOR & HARDWARE CO.
a Michigan corporation, and
MICHAEL J. WILT, an individual,

Hon. John Corbett O'Meara

Defendants.

ORDER OF PARTIAL DISMISSAL

On February 20, 2009, Plaintiffs filed their complaint, which alleges violations of the Employee Retirement Income Security Act of 1974 ("ERISA") and the Michigan Builders Trust Fund Act, M.C.L. § 570.151 *et seq.* Although Plaintiffs' ERISA claim is cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiffs' Michigan Builders Trust Fund Act claim arises under state law. Pursuant to 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994). This court declines to exercise supplemental jurisdiction over Plaintiffs' state law claim to avoid jury confusion.

Accordingly, **IT IS HEREBY ORDERED** that Plaintiffs' Michigan Builders Trust Fund Act claim is **DISMISSED**.

s/John Corbett O'Meara
United States District Judge

Date: February 27, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, February 27, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager